

1 Steven M. Kroll, Bar No. 216196
2 FORD & HARRISON LLP
3 350 South Grand Avenue, Suite 2300
4 Los Angeles, California 90071
5 Telephone: (213) 237-2400
6 Facsimile: (213) 237-2401
7 skroll@fordharrison.com

8 Jeffrey D. Mokotoff, GA Bar No. 515472
9 FORD & HARRISON LLP
10 *Admitted Pro Hac Vice*
11 1275 Peachtree Street, NE, Suite 600
12 Atlanta, Georgia 30309
13 Telephone: (404) 888-3800
14 Facsimile: (404) 888-3863
15 jmokotoff@fordharrison.com

16 Attorneys for Defendant
17 KNOWLEDGESTORM, INC.

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

20 JASBIR GILL, MAHMOUD
21 KEDKAD,

22 Plaintiffs,

23 v.

24 KNOWLEDGESTORM, INC., a
25 corporation, DOES 1 through 50,

26 Defendants.

Case No. C 07-04112 PVT

**EVIDENCE SUBMITTED IN
SUPPORT OF DEFENDANT
KNOWLEDGESTORM, INC.'S
MOTION FOR SUMMARY
JUDGMENT, OR IN THE
ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT AGAINST
PLAINTIFF JASBIR GILL**

(Pages 64 through 138)

Date: June 3, 2008
Time 10:00 a.m.
Crtrm: 5, 4th floor

Action filed: July 13, 2007
Trial date: August 4, 2008

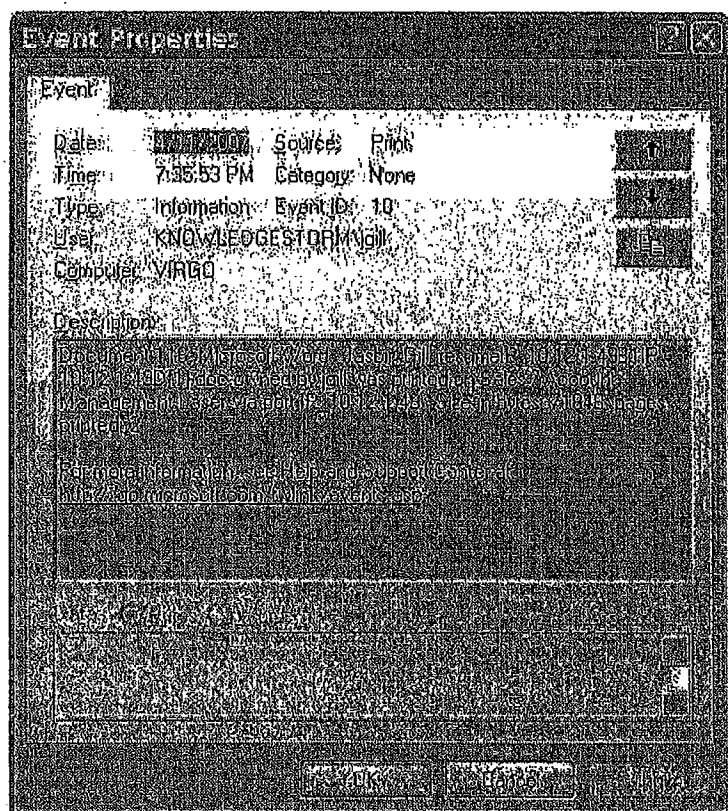
27 Defendant KnowledgeStorm, Inc. respectfully submits the following
28 evidence in support of its Motion for Summary Judgment or, in the alternative,
Partial Summary Judgment against Plaintiff Jasbir Gill.

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EXHIBIT 15

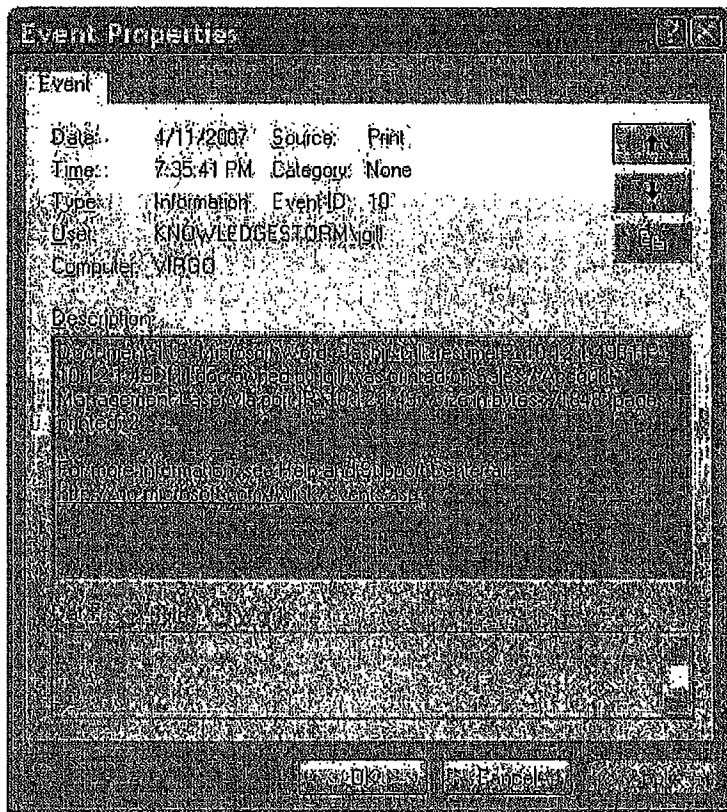
Hoback, Jason

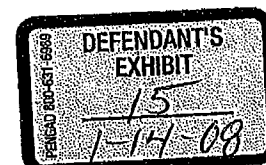
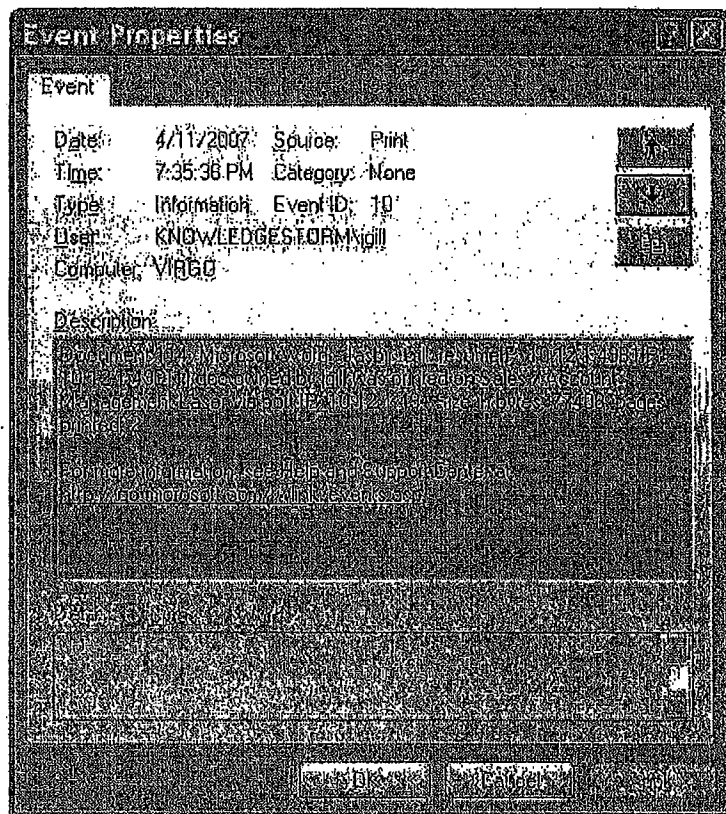
From: Ramminger, John
Sent: Wednesday, April 25, 2007 3:36 PM
To: Hoback, Jason
Subject: Jasper Gill's Print Log



4/25/2007

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4/25/2007

GILL DEPOSITION

**CERTIFIED
COPY**

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

3 --0--

4
5 JASBIR GILL, MAHMOUD KEDKAD,)
6 Plaintiffs,)
7 vs.) No. C 07-04112 PVT
8 KNOWLEDGESTORM, INC., a)
9 Corporation, DOES 1 through 50,)
10 Defendants.)

11

12

13

14 DEPOSITION OF JASBIR KAUR GILL

15

16

17 DATE: Monday, January 14, 2008

18

19 TIME: 10:07 a.m.

20

21 LOCATION: Bell & Myers
22 2055 Junction Avenue, Suite 200
23 San Jose, CA 95131

24

25 REPORTED BY: Anna S. Allen
Certified Shorthand Reporter
License Number 9954

067

M E R R I L L L E G A L S O L U T I O N S

20750 Ventura Blvd, Suite 205

818.593.2300 Tel

A P P E A R A N C E S

For the Plaintiffs:

LAMBERTO & KREGER
By: BRIAN S. KREGER, ESQ.
160 W. Santa Clara Street, #1050
San Jose, CA 95113
408-999-0300

For the Defendants:

FORD & HARRISON
By: JEFF D. MOKOTOFF, ESQ.
1275 Peachtree Street, N.E., Suite 600
Atlanta, Georgia, 30309
404-888-3800

Also Present:

CHRIS GLEASON, Corporate Representative for
KnowledgeStorm

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1 San Jose, California January 14, 2008

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3 JASBIR KAUR GILL

4 having been first duly sworn,

5 was examined and testified as follows:

6 MR. MOKOTOFF: This will be the deposition of
7 Jasbir Gill taken pursuant to notice and by agreement
8 for the purposes of discovery, cross-examination, and
9 all other purposes allowed and consistent with the
10 Federal Rules of Civil Procedure. All objections except
11 those as to the form of the question and the
12 responsiveness of the answer will be reserved until such
13 time of trial or until such other time as some
14 evidentiary use is sought to be made of the transcript.

15 Is that an agreeable stipulation?

16 MR. KREGER: I'm not stipulating to anything.
17 Whatever federal rules apply, apply.

18 MR. MOKOTOFF: Do you understand what the
19 federal rules are in terms of --

20 MR. KREGER: I do, sir, but I don't need to
21 stipulate to them. They're already in place.

22 MR. MOKOTOFF: Would you like to reserve or
23 waive signature? Do you know?

24 MR. KREGER: Why?

25 MR. MOKOTOFF: Why what?

072

6

1 MR. KREGER: Why do you want to do that?

2 MR. MOKOTOFF: No. I'm asking, would you like
3 to reserve or waive signature?

4 MR. KREGER: Oh, no, no.

5 MR. MOKOTOFF: No what?

6 MR. KREGER: I'm not waiving any signature.

7 MR. MOKOTOFF: Okay. I'm not arguing. I just
8 want to know whether you'd like to reserve or waive
9 signature.

10 MR. KREGER: Whatever the rules are apply.

11 MR. MOKOTOFF: But you have the choice under
12 the rules.

13 MR. KREGER: I don't need to choose anything.

14 MR. MOKOTOFF: Okay.

15 EXAMINATION

16 BY MR. MOKOTOFF:

17 Q. For the record, please, Ms. Gill, could you
18 state your full name.

19 A. Jasbir Kaur Gill.

20 Q. For the record, my name is Jeff Mokotoff. I
21 represent the defendant, KnowledgeStorm, in this lawsuit
22 you've brought against them.

23 Ms. Gill, have you had your deposition taken
24 before?

25 A. No.

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1 Q. And have you had any other education or further
2 education?

3 A. That was the last.

4 Q. Okay. Have you ever been convicted of any
5 crime?

6 A. No.

7 Q. Or pled guilty to any crime?

8 A. No.

9 Q. And for the record, what is your national
10 origin?

11 A. You mean my nationality?

12 Q. Yes, your nationality.

13 A. I'm a Canadian.

14 Q. Were you born in Canada?

15 A. I was born in Canada.

16 Q. And then grew up in India?

17 A. Yes.

18 Q. How long did you spend in Canada?

19 A. I was three years old when my parents moved
20 back to India.

21 Q. Do you have dual citizenship both in Canada and
22 in India?

23 A. India does not allow dual citizenship, so I do
24 not.

25 Q. What is your status here in the states?

074

13

1 some questions about what his thoughts on the job were.

2 Q. Anything more specific in terms of what you
3 recall Joe Brown telling you about the position?

4 A. Nothing more in addition to what Jason Hoback
5 had already told me.

6 Q. So there wasn't any discussion at that point as
7 to how you might get leads, for example?

8 A. There was no discussion as to how I would get
9 leads, no.

10 Q. Approximately, how long would you estimate that
11 conversation lasted?

12 A. I would, to my best recollection, say about 45
13 minutes, 35 to 45 minutes.

14 Q. Did you understand through that conversation
15 that you'd be reporting to Joe Brown?

16 A. Yes.

17 Q. What did he tell you in terms of what his
18 position was?

19 A. That he would be the manager for this position
20 that has opened up in South San Francisco.

21 Q. Did he discuss the needs of KnowledgeStorm in
22 terms of how many employees KnowledgeStorm was seeking
23 to have in place to perform the sales executive
24 position?

25 A. I do not recall him in that conversation

1 telling me what the job -- what they did at the company
2 and asked me what I was currently doing.

3 Q. Okay. Do you believe you obtained a better
4 understanding of the position through your conversations
5 with Katie and Rachel?

6 A. It did not change much from what I had already
7 learned.

8 Q. Okay. After you had your meetings with Katie
9 and Rachel, what was your next conversation or
10 connection with KnowledgeStorm?

11 A. The next conversation, I would have to -- I'm
12 not sure if it was the recruiting agency that emailed me
13 to tell me that I had to go and meet people back in
14 Atlanta or if it was Joe Brown who was the first point
15 of contact telling me. But the next point of contact
16 was to be going to Atlanta and meeting with some folks
17 down there.

18 Q. So KnowledgeStorm then flew you up to Atlanta?

19 A. Yes.

20 Q. And approximately, how much in advance of your
21 starting with KnowledgeStorm was that flight out?

22 A. I want to say about three weeks.

23 Q. And do you recall with whom you met in Atlanta?

24 A. Yes. I met with Mike Ewers.

25 Q. Do you know Mike's position?

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1 A. He's the VP of finance.

2 Q. All right.

3 A. I met with another salesperson, Joe -- I can't
4 remember his name. Jason Putnam was another salesperson
5 I met with. And another Joe person. I'm sorry. I
6 cannot remember his last name.

7 Q. But, to your knowledge, a salesperson?

8 A. Both of these people were salespeople.

9 Q. Okay. Anyone else?

10 A. And then I went for lunch with Jason Hoback and
11 Jim Canfield.

12 Q. What was Jason's position?

13 A. Jason is the director, sales director.

14 Q. How about Jim?

15 A. VP of sales.

16 Q. Okay.

17 A. Lastly, I met with Kelly Gay.

18 Q. And who is Kelly? What was Kelly's position?

19 A. CEO.

20 Q. And to the best of your recollection, was this
21 an all-day interview?

22 A. Pretty much.

23 Q. Okay. Was it in one day?

24 A. It was in one day.

25 Q. Okay. Do you recall -- well, what do you

1 KnowledgeStorm?

2 A. I'm not sure if she asked me for a resume,
3 because she had already pulled the resume from the job
4 boards. So I do not recollect if she asked me to send
5 her a resume or if she used that copy.

6 Q. Would the work experience section under your
7 employment at KnowledgeStorm be an accurate depiction of
8 your job duties while at KnowledgeStorm?

9 A. Under KnowledgeStorm?

10 Q. Yes.

11 A. Yes.

12 Q. Was your next contact after the conversation
13 that you had with Joe Brown over the telephone where he
14 had said you'd be receiving an offer actually receiving
15 an offer from KnowledgeStorm?

16 A. Yes.

17 (Defendants' Exhibit 3, offer letter, marked
18 for identification.)

19 BY MR. MOKOTOFF: (Q) I'm going to hand you
20 what I've marked as Exhibit 3 to your deposition. And
21 my first question is after you've had a chance to look
22 at it: Is that the offer letter that you received from
23 Joe Brown?

24 A. Yes.

25 Q. And if you look at the second page of Exhibit

1 3, is that your signature?

2 A. Yes.

3 Q. And is that an accurate reflection of when you
4 accepted the offer of October 13th, 2006?

5 A. Yes.

6 Q. And you understood that your start date was
7 going to be on or about October 23rd, 2006; is that
8 correct?

9 A. That is the start date that Joe Brown put
10 there, but my understanding was that that was not going
11 to be viable, reason being, I'm an H-1B employee and
12 they needed to transfer my H-1B. So right off the back,
13 I knew that that start date was not going to be correct.

14 Q. In other words, you knew that it was going to
15 take more time than --

16 A. Yes.

17 Q. -- October 23rd, 2006 in order to get your H-1B
18 transferred over?

19 A. Yes.

20 Q. And KnowledgeStorm was paying for that transfer
21 of the H-1B visa; is that correct?

22 A. Which is a normal accepted policy, which an
23 employer pays for the H-1B transfer.

24 Q. In other words, to your understanding, there
25 wasn't any reimbursement agreement into which you

1 entered, in other words, for the cost of any H-1B
2 transfer costs?

3 A. INS rules do not allow for any reimbursement.

4 Q. So my question is, actually, did KnowledgeStorm
5 ever ask or provide you with any documentation seeking
6 reimbursement of the H-1B transfer costs?

7 A. No.

8 Q. Do you have a sense of how much that cost
9 KnowledgeStorm?

10 A. It's about \$2200 for INS fees and about \$1000
11 to \$1500 for the lawyer fees.

12 Q. So between 3- and \$4000?

13 A. Sounds correct.

14 Q. And how did you know those fees?

15 A. Because I have been doing this for a while, so
16 I'm fairly fluent with the fees.

17 Q. And these were fees that were identified by
18 Litwin?

19 A. The INS fees are determined by INS. The lawyer
20 fees are determined by Litwin.

21 Q. And in terms of the approximate amount
22 inclusive of INS fees and lawyer's fees, were these
23 fees, to your understanding, paid by KnowledgeStorm on
24 your behalf?

25 A. Yes.

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1 a training program, but if you could explain to me the
2 training that you received while at KnowledgeStorm.

3 A. The training that I received while at
4 KnowledgeStorm was going through KnowledgeStorm
5 programs, going through some of their CRM component,
6 which is the customer relationship management, as to how
7 to access that, how to get phone numbers, how to be able
8 to make contact with the client. So that's what the
9 training entailed.

10 Q. Who provided that training?

11 A. Different people from KnowledgeStorm's group.

12 Q. Were these different people out of the South
13 San Francisco office?

14 A. The training was held in Atlanta, Georgia, so
15 these people were out of the Atlanta office.

16 Q. So you receive an offer, which you accept, and
17 you ultimately begin working for KnowledgeStorm as a
18 sales executive; is that correct?

19 A. Correct.

20 Q. And to your recollection, when did you begin
21 working for KnowledgeStorm?

22 A. I was asked by Joe Brown if I could come in for
23 training while I was not even employed for
24 KnowledgeStorm because that's when the training was
25 happening. And me being very considerate -- I knew I

1 was not going to be paid for that -- I took time off
2 from work, because I was still waiting for my H-1B to be
3 transferred. I went to Atlanta for training.

4 Q. Approximately when was that?

5 A. It was approximately the last week -- I
6 remember the 2nd of November was the last day, and it
7 was a four-day training. So it started somewhere --

8 Q. I'm sorry. The last week of which month?

9 A. Last week of October into the first week of
10 November.

11 Q. And was it a full week, you said?

12 A. It was four days. It was a four-day training.

13 Q. Do you recall any other sales executives in
14 your training class?

15 A. Yes. There were -- I think there was about 10
16 or 11 people in that sales training class.

17 Q. Do you recall any of the names?

18 A. Michael Torcellini, Michael Beasley, Joe
19 Niederberger, Michael Barnes. Those are some names that
20 I recall.

21 Q. And after your training which was, to your
22 recollection, the last week of October, was there any
23 other activity that you performed on behalf of
24 KnowledgeStorm before beginning work for KnowledgeStorm?

25 A. No.

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1 (Defendants' Exhibit 4, employee handbook,
2 marked for identification.)

3 (Defendants' Exhibit 5, acknowledgment form,
4 marked for identification.)

5 MR. MOKOTOFF: Off the record.

6 MR. KREGER: Can we take a short break?

7 MR. MOKOTOFF: Sure.

8 (Break taken.)

9 MR. MOKOTOFF: Back on the record after a short
10 break.

11 BY MR. MOKOTOFF: (Q) Jasbir, right before the
12 break, I handed you Exhibits 4 and 5. And my first
13 question related to Exhibit 4 is, do you recall
14 receiving a copy of KnowledgeStorm's handbook?

15 A. Yes.

16 Q. Do you recall when you would have received a
17 copy of that handbook?

18 A. I don't recall if this was Fed Ex'd to me
19 before my training or if I got it during my training.
20 So it was one of these things: It could have been Fed
21 Ex'd to me so I could bring it along for my training or
22 it could have been handed over to me when I was at the
23 training.

24 Q. So during the training that you received in the
25 last week of October, do you recall someone going over

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1 the handbook with you?

2 A. I don't recall anybody going over page by page
3 over this. Some parts were gone over and the other
4 parts were just, here, you guys need to take it, read
5 it, and sign it and give it back to us.

6 Q. In fact, that's what you did; is that correct?

7 A. Yes.

8 Q. You took it, you read it, and then you signed
9 an acknowledgment, which is Exhibit 5?

10 A. Yes.

11 Q. And that acknowledgment, is that your signature
12 at the bottom of the page?

13 A. Yes.

14 Q. And that's dated November 8th --

15 A. Correct.

16 Q. -- 2006. Would that have been when you would
17 have signed this?

18 A. Yes.

19 Q. Okay. So when you were asked to take the
20 handbook, read it, and then return the acknowledgment
21 form to them, did you actually read the handbook after
22 the training?

23 A. Yes.

24 Q. Okay. Did you read it at the time you signed
25 this on November 8th, 2006?

1 A. Close to that.

2 Q. Okay. And did you read and understand the
3 policies contained in the handbook?

4 A. Yes.

5 Q. And did you have any issues with any of the
6 policies contained in the handbook?

7 A. None that I can recall.

8 Q. And if you don't mind, we can look at page 3 of
9 the handbook on Exhibit -- it's, actually, the page
10 physically numbered 3 on the handbook. That's the
11 company's no harassment policy. Do you see that?

12 A. Yes, I do.

13 Q. By that time, you had met both Mike Ewers and
14 Kelly Gay; is that correct?

15 A. Yes.

16 Q. And based on your reading of this handbook, you
17 understood that if you believed that someone had
18 violated the company's no harassment policy, that you
19 were to report your concerns to either Mike or Kelly; is
20 that correct?

21 A. Yes.

22 Q. Okay. And it's accurate that you never
23 reported to Mike Ewers or Kelly Gay any of your concerns
24 that you've identify in your lawsuit; is that correct?

25 A. That's correct.

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1 Q. And I think you identified Jason as being the
2 director of sales; is that correct?

3 A. Yes.

4 Q. And the person above Jason would have been
5 whom?

6 A. Jim Canfield.

7 Q. He would have been vice president of sales?

8 A. Yes.

9 Q. When you first started working out of the South
10 San Francisco office -- strike that.

11 When you first began working for
12 KnowledgeStorm, did you work primarily out of the South
13 San Francisco office?

14 A. Yes.

15 Q. Did there come a time during your employment
16 where you started working from home?

17 A. Maybe once a week I might have worked from home
18 but, primarily, I preferred going to the office and
19 working from the office. So I had not reached that
20 stage where I had started working from home.

21 Q. When you say "reached that stage," was there
22 ever a stage where you, while you were employed by
23 KnowledgeStorm, worked more often than once a week from
24 home?

25 A. No.

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1 Q. So to your recollection or the best of your
2 recollection, on average you would maybe work one day a
3 week outside the office but the remainder of the days
4 would be inside the office?

5 A. Actually, I worked almost every day at the
6 office. So if I had an appointment in the south bay and
7 I had a couple of appointments, instead of me going back
8 and forth, I would work from home a few hours and then
9 go make my appointment and come back and work. So
10 that's my way of saying that I, maybe once a week, might
11 have worked at home. But otherwise, primarily, I was
12 working from the office.

13 Q. When you first started working out of the South
14 San Francisco office, do you recall or can you identify
15 for me the employees working for KnowledgeStorm that
16 also worked out of that office?

17 A. Yes. There was Katie Kimball, there was Rachel
18 Gordon, there was Lisa McGuire, there was Joe
19 Niederberger, there was Kevin Cummings.

20 Q. And then yourself?

21 A. And then myself.

22 Q. So approximately six?

23 A. Yes.

24 Q. And let's go to, say, January 2007, beginning
25 of last year. Do you recall whether there was a change

1 in the number of employees that were working out of the
2 South San Francisco office?

3 A. Yes, the aforementioned were still there.
4 There was Mike Kedkad, there was Joseph Kaniewski, there
5 was another person by the name of Tracy Mikolajewski who
6 only came in once or twice a month. She worked from her
7 home office. And a couple of others who worked from
8 their home office whose names I do not recall.

9 Q. If we look at the group identified as of
10 January 2007 -- so approximately nine to ten in total --
11 were there some sales execs with which you were more
12 friendly than others?

13 A. Actually, before I answer that question, Kevin
14 Cummings had started working from the Massachusetts
15 office, so he was not working from the South San
16 Francisco office anymore for at least a month or so.

17 Q. So for about a one month time period, Kevin
18 Cummings was working out of the Massachusetts office?

19 A. Yes.

20 Q. Do you recall whether that was 2006 or 2007?

21 A. He started working out of the Massachusetts
22 office because his father was not well and then I
23 believe his father passed away. So it was more than a
24 month he was working out of the Massachusetts office.

25 Q. Okay. And then going back to my question --

1 thank you for that -- of the eight or nine or, actually,
2 approximately eight other folks working out of the South
3 San Francisco office, were there those that you were
4 more friendly with than others?

5 A. I would not use the word "friendly." I would
6 say professionalism. Was I more professionally attached
7 to them? Yes, I was more professionally attached to
8 Katie Kimball because she was a salesperson and I needed
9 her guidance in performing my daily duties. There was
10 Lisa McGuire, who was helping me out as well. So these
11 two were definitely more close because of their
12 professional acumen which helped me.

13 Q. And did you ever do anything socially with
14 either Katie or Lisa?

15 A. Other than going on an occasional lunch, no.

16 Q. When you began working for KnowledgeStorm,
17 approximately how often would Joe Brown be in the South
18 San Francisco office?

19 A. To the best of my recollection, it would be
20 every two weeks. He would come in for a couple of days,
21 come in on Tuesday, leave on Thursday or early Friday.

22 Q. How about Jason Hoback? How often, to your
23 recollection, would he be in the South San Francisco
24 office?

25 A. Probably about once a month.

1 with Katie or Lisa your belief that there was a
2 systematic harassment by Joe Brown of you?

3 A. I think I said, yes, I did discuss the facts
4 that Joe is not cooperating, Joe is not answering my
5 calls, Joe does not want to help me out. So I think
6 that when there's a pattern that's being established and
7 you're discussing it with your colleagues, that does
8 smell of some sort of -- it does smell of harassment.

9 Q. Do you believe that Joe was helping others to a
10 greater extent than you?

11 A. I did not hear anybody else complain.

12 Q. Okay. My question is, do you believe that Joe
13 Brown was helping others more favorably than he was
14 helping you?

15 A. Yes, I do believe so.

16 Q. Which individuals do you believe he was helping
17 to a greater extent than he was helping you?

18 A. Katie Kimball, Lisa McGuire, Joe Niederberger,
19 Joe Kaniewski, Tracy Mikolajewski, who were all getting
20 his help.

21 Q. Anyone else?

22 A. Those are the only people in the office.

23 Q. Well, what point in time? I thought there was
24 Mike Kedkad.

25 A. Mike Kedkad was almost in the same boat I was.

1 Q. How do you know that?

2 A. Because we discussed.

3 Q. So in terms of individuals that you believed
4 Joe Brown was not being as responsive or helpful, the
5 two individuals that you identified so far is yourself
6 and Mike Kedkad. Anybody else?

7 A. No, nobody else.

8 Q. So he would have been more responsive and
9 helpful to someone like Kevin Cummings as well?

10 A. Absolutely.

11 Q. But you did not discuss with Katie or Lisa any
12 of the racial slurs that you say Joe Brown made; is that
13 right?

14 A. No, I did not.

15 Q. Did you discuss with anyone --

16 A. Yes.

17 Q. -- excuse me -- anyone at the South San
18 Francisco office these racial slurs that Joe Brown made?

19 A. Anyone at the South San Francisco office?

20 Q. Yes.

21 A. Yes.

22 Q. Who?

23 A. Mike Kedkad.

24 Q. Anyone else?

25 A. No.

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1 Q. Why Mike Kedkad?

2 A. Why Mike Kedkad? Because I saw what Mike
3 Kedkad was facing. There were some racial slurs, there
4 were some harassment. I saw he was having to go through
5 the same thing. And we were basically two professional
6 colleagues empathizing and sympathizing with each other.

7 Q. Why not Katie or Lisa, the two people you
8 identified as having the greatest professional
9 relationship?

10 A. Because I did not feel comfortable.

11 Q. Comfortable speaking to Katie and Lisa?

12 A. Yes.

13 Q. Why?

14 A. It's something that I think when you're a
15 foreigner, you understand that, that as a foreigner, you
16 try to find out what your next foreigner is going
17 through. This is something as a Caucasian, most people
18 will not understand. And that's kind of what prohibits
19 you from talking this over to another white person.

20 Q. So you didn't feel comfortable speaking to any
21 white person?

22 A. No.

23 Q. How would you describe your relationship with
24 Mike Kedkad?

25 A. Rephrase that question, please.

1 Q. Okay. Right before the break, I provided to
2 you what we have marked as Defendants' Exhibit 7, which
3 you had an opportunity to review; is that correct?

4 A. Correct.

5 Q. And Defendants' Exhibit 7 reflects an email
6 exchange between Joe Brown in the 4-Sales group; is that
7 correct?

8 A. Correct.

9 Q. What is the 4-Sales group?

10 A. The sales group, the sales team.

11 Q. Is it the entire sales team across
12 KnowledgeStorm or just the western region?

13 A. My understanding is, it's the entire.

14 Q. And this is an email that appears to have been
15 sent on December 29th, 2006; is that correct?

16 A. Yes.

17 Q. And it's an announcement from Joe Brown to the
18 entire sales team concerning your first sale?

19 A. Yes.

20 Q. Is it accurate that that was your first sale?

21 A. Yes.

22 Q. And then you responded at the top thanking Joe
23 Brown for his patience and support.

24 My question to you is: Did you believe that
25 Joe Brown was patient and did support you in this first

1 Q. When you were working for KnowledgeStorm, you
2 visited India for a short period of time; is that
3 correct?

4 A. Correct.

5 Q. Do you recall when that was?

6 A. My recollection is, I left on the 9th of
7 February and I came back on the 5th of March.

8 Q. And when you came back, did you bring Joe Brown
9 a gift?

10 A. I did not bring him a gift.

11 Q. Did you bring him anything?

12 A. I did not bring him anything.

13 Q. Okay. Did you bring anyone else a gift?

14 A. No. Sorry. I take that back. I brought him
15 something, yes. And I brought a few others along
16 something as well.

17 Q. What did you bring back for Joe Brown?

18 A. What did I bring? I had asked him if he wanted
19 something from India, and he had asked for -- what are
20 those things -- wind chimes. He asked for a wind chime,
21 and I brought him a wind chime. And another colleague
22 had asked for a scarf. I brought her a scarf. A few
23 small things that people had asked for and I brought
24 them things.

25 Q. Who did you bring a scarf back for?

1 A. I brought a scarf back for Lisa McGuire. I
2 brought little samples of soap, sandal soap for Rachel
3 Gordon, sandal soap for Katie Kimball. And I think
4 that's it.

5 Q. Why did you bring Joe Brown a gift?

6 A. He's my manager and I like to -- I brought
7 things for everybody back. That's just me.

8 Q. I'm sorry. The time that you were in India,
9 which you identified as approximately February 9th
10 through March 5th, Joe Brown, at least according to what
11 we have discussed so far, had already begun a systematic
12 racial harassment against you; is that correct?

13 A. Right.

14 Q. Given that, why would you bring him back a
15 gift?

16 A. At this time, I did not classify it as racial
17 discrimination. I did not start compartmentalizing
18 these things. I took it as somebody's personality,
19 somebody's brushing me off, somebody's nonsupportive.
20 What am I going to do? Quit and leave and go? No. I'm
21 going to continue my job. I'm going to try to maintain
22 a professional and somewhat of a decent relationship
23 with this person.

24 So to the best of my ability, I tried to move
25 on. And that's what I did.

1 Q. And you shared pictures of your India trip
2 with --

3 A. I shared those pictures with everybody.

4 Q. With everybody being who?

5 A. Lisa McGuire, Mike Kedkad, Joe Brown, Jason
6 Hoback, I think had a quick peek at the pictures, Rick
7 Neigher. Everybody who was in the office.

8 Q. When you say "quick peek at the pictures," you
9 actually physically sent Joe Brown pictures, didn't you?

10 A. I physically sent those pictures to pretty much
11 everybody that asked for it.

12 Q. And Joe Brown asked for those pictures?

13 A. I don't remember if Joe Brown asked for them.
14 I asked him, do you want -- because everybody was
15 looking at those pictures. And I asked him, did you
16 want to take a look at the pictures? And he must have
17 said, yes, and I sent them over.

18 Q. Do you recall sending Joe Brown jokes via
19 email?

20 A. I don't recall sending jokes.

21 Q. Could it have happened and you just don't
22 recall it?

23 A. I don't think I'm the kind of person -- going
24 back on my personality, I don't think I'm the kind of
25 person who would exchange jokes. Maybe on one occasion

1 basically telling Jason Hoback as to what kind of racial
2 slurs were being passed on by Joe Brown and also
3 apprising -- and Jason Hoback was concerned that a lot
4 of people from the office were leaving as to what was
5 going on, and just basically telling him that I'm
6 still -- I'm not going anywhere.

7 Q. Why didn't you put anything in writing about
8 your concerns about the racial remarks that Joe Brown
9 was making?

10 A. I don't think it was planned in any sort of
11 way, that I did not on purpose didn't put anything in
12 writing. I just had two phone calls -- one time I met
13 Jason Hoback in person and I explained it to him, and
14 the second time was over the phone. So my understanding
15 was that Jason Hoback will do something about it.

16 Q. Okay. And the context of the conversation that
17 you were talking about, now was that in person or over
18 the phone?

19 A. This particular -- after this email, this
20 particular conversation was over the phone.

21 Q. Okay. You said "after this email," so the
22 context is --

23 A. Because if you read it, it says, "Call me from
24 a private spot." So I called him. This happened over
25 the phone.

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1 my honest opinion, that I felt people were leaving
2 because they felt shaky about the acquisition and a
3 couple of people left because they found better
4 opportunities and I thought that, hopefully, we should
5 be able to be contained, ourselves, as to the number
6 that we had.

7 Q. He goes on to say in the next paragraph that:
8 "I will continue to treat you with respect as a
9 person and expect the same of you toward me.
10 Even in disagreement, I think that respect is
11 more important than anything else. If you ever
12 feel that I've been disrespectful to you, I
13 know you will tell me. Therefore, I will tell
14 you that your sarcastic comments and tone was
15 very disappointing to me and more surprising
16 than anything."

17 Do you know of what he was referring?

18 A. I honestly do not recall me ever being
19 sarcastic to him, maybe to the point where I might have
20 said that, well, you picked a good date to travel, being
21 March 31st, which is the last date of the quarter. That
22 is as far a sarcastic comment that I must have made.

23 Q. When he says, "If you ever feel that I have
24 been disrespectful to you, I know you will tell me," in
25 terms of the racial remarks that you said Joe Brown made

1 to you, did you ever discuss with Joe Brown those
2 remarks?

3 A. No, I did not.

4 Q. Okay. Then he goes on to say:

5 "I realize the tension of the discussion but
6 like our call with Lori, expect that discretion
7 truly is the better part of valor."

8 Do you know what call with Lori he was
9 identifying in that?

10 A. Yes. It's the same call that you have marked
11 here as exhibit -- actually, you lumped it all into
12 one -- Abrige, Lori Evans. So we finally had to talk to
13 the client, and she was very angry. So that's what he's
14 referring it to.

15 Q. And when he's referring, he says, "Expect that
16 discretion truly is the better part of valor," do you
17 know what he was talking about?

18 A. I have no clue, I'm sorry. I have no clue what
19 he's meaning with that.

20 Q. In the next paragraph, he says, "You are
21 someone I admire greatly and want to help be successful
22 here."

23 Was that the first time that you had ever heard
24 Joe Brown make that statement to you?

25 A. That's the first time that I ever read that

1 prospects were identified?

2 A. SalesLogics is a CRM system, which is customer
3 relationship system, which all accounts are put in and
4 all prospects are put in. And that's basically your
5 working base.

6 Q. And would you actually physically get leads
7 from the SalesLogics? In other words, would you get
8 leads from SalesLogics or is that where you'd actually
9 put your account prospects in?

10 A. It could work both ways. You could find new
11 accounts and then put them in SalesLogics. You could
12 mind SalesLogics and see which accounts had not been
13 worked for the last 40 days. And if they were in your
14 territory, you can put it in your name.

15 Q. Did you, while you were employed at
16 KnowledgeStorm, ever inherit any accounts?

17 A. No.

18 Q. What does the acronym ISV stand for?

19 A. I think that was an IBM program, if I'm not
20 mistaken, ISV partner program.

21 Q. Tell me what your involvement was with the IBM
22 program or the ISV program.

23 A. The ISV program was a list of accounts that IBM
24 had provided to us. And these were people that had --
25 these were accounts that had purchased a certain number

1 of IBM -- they were like IBM resellers, so they
2 qualified for a free listing with KnowledgeStorm or a
3 \$600 listing with KnowledgeStorm for six months. So
4 this was a list that was provided to me to call these
5 people and tell them that they qualified for a free
6 listing.

7 Q. And that was something that was provided
8 exclusively to you?

9 A. No. There were other people working on that as
10 well.

11 (Defendants' Exhibit 14, 12-12-06 email from
12 Hoback, marked for identification.)

13 BY MR. MOKOTOFF: (Q) Jasbir, I'm handing you
14 what's been marked as Exhibit 14. And I believe this is
15 a little bit about or a lot of what we were just
16 discussing. The email at -- the top of the email says:

17 "Jasbir Gill represents the West for the ISVs.
18 Joe plans on being on some of these calls with
19 her as she ramps up."

20 Does this help refresh your recollection at all
21 as to whether you were the exclusive rep for the ISV
22 program, at least in the west coast?

23 A. I don't think so, because I think there was
24 some BDRs that were calling on the west account as well.

25 Q. So you would have been the only sales rep,

1 say, hey, what do I do with these?

2 Don't call on them.

3 So I have to go through a list first, figure
4 out who I am not supposed to call. Finally, I'm left
5 with a small number of people that I'm calling. And on
6 those, it's basically, sorry, we qualify for a free
7 listing. So that was kind of what this list entails.

8 Q. Who told you that you were being terminated?

9 A. Jason Hoback and Joe Brown.

10 Q. And where were you when you were informed that
11 you were being terminated?

12 A. At home.

13 Q. And did you receive a call to you or did you
14 actually make a call to Jason or Joe Brown?

15 A. I received a call from them.

16 Q. Were you at home understanding that they were
17 going to call you? In other words, did they send you an
18 email saying, we want to talk to you now?

19 A. No. I was at home, getting ready to leave for
20 a call.

21 Q. Okay. And this conversation that was over the
22 telephone, did both Jason and Joe talk?

23 A. Yes.

24 Q. Okay. Who told you why you were being
25 terminated?

1 A. I was never told why I was being terminated.
2 All I was told was that -- to the best of my
3 recollection, the tone was very threatening, very
4 demeaning. All I was told was I had violated company
5 policy, I'm being terminated as of tomorrow, I need to
6 return my equipment, my keys. That's it.

7 Q. Did you have any understanding as to why?

8 A. I have no understanding as to why this
9 transpired, what happened. I was shocked.

10 Q. Did you ever tell Lisa McGuire why you were
11 being terminated?

12 A. After I found out, yes, I did tell. I found
13 out from other people that were still employed at
14 KnowledgeStorm that there was a rumor that I was fired
15 because I printed a resume. And Lisa and I were
16 talking, because Lisa was at ON24 at that time. She
17 asked me if I wanted to apply for the position. And at
18 that time, I might have told her that this is what
19 happened.

20 Q. So who told you about the rumor as to why you
21 were being terminated?

22 A. Mike Kedkad.

23 Q. Anyone else?

24 A. I think he was the only one.

25 Q. Okay. Would it be accurate to say that you

1 A. We shared this idea with Lisa McGuire, and we
2 asked her how viable she thought this idea was.

3 Q. But it's your testimony that never at work or
4 using any company resources were you in the process of
5 creating Content Maximizers?

6 A. To the best of my knowledge, we never used any
7 company resources or any company time.

8 Q. During the period of time that you were
9 employed by KnowledgeStorm, did you ever visit a client
10 prospect on behalf of Content Maximizers?

11 A. We did not even have any prospect to visit on
12 behalf of Content Maximizer.

13 Q. Do you recall printing out your resume at work?

14 A. Yes.

15 Q. And do you recall hearing or understanding that
16 when you printed out this resume, it actually showed up
17 at the Atlanta, Georgia office?

18 A. I was actually -- I don't think I even paid
19 attention to that. I was in a hurry. I was on the way
20 out. I needed to print a copy of my resume. I printed
21 it. It didn't print. I didn't see it print. I printed
22 another copy and I left.

23 Q. And I think you've already testified earlier
24 today of at least one reason why you were printing out a
25 resume.

1 Q. So the following day?

2 A. Yes.

3 Q. Did you have any questions of him at that time?

4 A. I was not given a chance to even ask a
5 question.

6 Q. And nothing concerning your resume ever
7 occurred or transpired during that conversation; is that
8 correct?

9 A. No.

10 (Defendants' Exhibit 15, three-page document,
11 marked for identification.)

12 BY MR. MOKOTOFF: (Q) Exhibit 15 consists of
13 three pages. My first question simply is: Have you
14 ever seen these documents before today?

15 A. This particular one?

16 Q. Yeah, these three pages.

17 A. Yes.

18 Q. What are, to your understanding, these
19 documents reflecting?

20 A. My understanding -- I'm not very back-end
21 computer literate but my understanding is, this is
22 probably a screen shot of the queue up of me trying to
23 print something.

24 Q. And it shows, actually, three separate
25 occasions where you were trying to print something; is

1 that accurate? Specifically, if you look at the --

2 A. I'm only seeing page 1.

3 Q. You should have -- I only gave you page 1?

4 Those are pages 2 and 3. If you look at the upper
5 left-hand portion of all of those, all three of those
6 pages, you'll see a time entry. Do you see those?

7 7:35:36 p.m, 7:35:41, and then 7:35:53.

8 Do you recall whether on this day, you would
9 have printed out your resume three separate times?

10 A. I must have tried printing it the first time.
11 It probably didn't print. Tried printing it the second
12 time. That's all I can recollect of this.

13 Q. Do you know where that resume printed to?

14 A. I know now.

15 Q. Where did that resume print to?

16 A. Probably the head office, Atlanta.

17 Q. Do you have any reason to disbelieve the reason
18 why you were terminated was because you were using
19 company equipment to print out your resume?

20 MR. KREGER: You mean does she believe
21 that's the real reason she was terminated?

22 BY MR. MOKOTOFF: (Q) More specifically, do
23 you have any reason to disbelieve that the reason why
24 you were terminated is because you were using company
25 equipment to print out your resume?

1 A. I have every reason to disbelieve that. My
2 belief is that I was terminated based on my race. I was
3 terminated because I had complained about racial
4 discrimination, of harassment. I think that was the
5 main reason why I was terminated.

6 Q. Do you know of anyone else who printed out his
7 or her resume while on company time who the company
8 understood was printing out his or her resume and was
9 not terminated?

10 A. I think I recollect Lisa McGuire printing out
11 her job offer letter from another company, which my
12 understanding is, it even fell into the management's
13 hand but yet, I think she was required -- she was
14 requested to stay on.

15 Q. Okay. Do you have any proof of that?

16 A. Her own word.

17 Q. Anyone else?

18 A. Not that I know of.

19 Q. When do you contend was the first time Joe
20 Brown made statements about your national origin or race
21 that you found offensive?

22 A. To the best of my recollection, I think it was
23 the first week of January when I had asked him to come
24 and take a look at an email that I was writing to a
25 client, to see if he needed to add something or if he

1 felt that was the right way of describing some of the
2 programs that we offer.

3 And he came, and he looked at it, and he said,
4 "Well, that's what they teach you in India? You need to
5 learn the right way, which is the white man's way," and
6 he just shrugged his shoulders and left.

7 Q. Do you recall the client to whom you were
8 writing this email?

9 A. Unfortunately, I do not.

10 Q. But he was in the office in San Francisco?

11 A. Yes.

12 Q. And you were at your cubicle?

13 A. Yes.

14 Q. And did you ask Joe Brown to come over?

15 A. Yes. I went over to his office and his office
16 door was opened. He had just walked in. And I said --
17 it was very early in the morning. I said: Do you have
18 a minute to come and look over -- I've typed up
19 something I can show you, because I was fairly new in
20 describing some of the programs.

21 And he came over and he looked at it and he
22 just said: Is that what they teach you in India? And
23 he said: You need to learn the right way, which is the
24 white man's way. And he left. And I didn't know what
25 to make of it.

1 Q. So that was in the early morning?

2 A. Yes.

3 Q. Are you aware of anyone else that would have
4 heard that comment?

5 A. I am not aware of anybody else.

6 Q. Was there anyone else at that time in the
7 morning that was at the office?

8 A. Could be. I'm not sure. I don't know.

9 Q. When you say early in the morning, would it
10 have been before -- it's hard to say what working hours
11 are -- before 9 o'clock in the morning?

12 A. Yes, it was probably around 8:30-ish, I think.

13 Q. And did you have any response to him at all?

14 A. Did I respond?

15 Q. To Joe Brown after he made that comment.

16 A. He just left. He just walked away from it. He
17 said what he said and he walked away from my cube.

18 Q. Did you let anyone know about that statement?

19 A. Jason Hoback.

20 Q. When did you let him know?

21 A. It was, I think, the week of March -- I'm
22 sorry -- the week of January, the last week, I think, on
23 January 31st. Jason Hoback had come to the office, and
24 I asked him if I could talk to him. I told him -- I
25 said: You know, I just want to let you know, I'm

1 shocked that Joe Brown said something like that.

2 And so that's when I let him know that.

3 Q. So Jason Hoback was in the office around, you
4 said, January 30th or 31st?

5 A. I think it was the 30th or 31st, one of those
6 dates, yes.

7 Q. And so this would have been something that you
8 would have told Jason face to face?

9 A. Yes.

10 Q. Was anyone else there when you told Jason?

11 A. It was in his office and we closed the door.

12 Q. So in one of the two closed door offices?

13 A. Yes.

14 Q. Why didn't you tell Jason Hoback about that
15 comment before the 31st?

16 A. I think I wanted to but I found out he was
17 going to be coming to the San Francisco office, so I
18 figured I'll just wait until he comes and I'll tell him
19 in person.

20 Q. In other words, there wasn't a need to tell him
21 before the 31st?

22 A. I don't think I would say there wasn't a need.
23 I think it was a comfort level. I felt I'd be more
24 comfortable telling him something like this in person
25 rather than over the phone.

1 giving you some inbound leads.

2 And so that's what Jason Hoback said.

3 Q. Do you know others that were getting inbound --
4 what do you call them?

5 A. Inbound leads.

6 Q. Inbound leads?

7 A. Yes.

8 Q. Who?

9 A. Joe Niederberger was getting inbound leads, I
10 know Lisa McGuire was getting those inbound leads, I
11 know Rick Neigher was getting those inbound leads, I
12 know Katie Kimball had strategic accounts that she was
13 working on. I never heard any one of them make any cold
14 calls other than myself.

15 Q. Okay. And did you ever get any inbound leads?

16 A. None.

17 Q. What was the next statement that Joe Brown made
18 to you based on your race or national origin that you
19 found offensive?

20 A. That concerned me? I was told of the fact that
21 while I was in India, he had asked a colleague when I
22 was coming back, and that maybe I won't come back;
23 anyways, he didn't like Indians because they were taking
24 all the jobs in the bay area so it's good, maybe I'll
25 stay out back there.

1 Q. Why did you wait until the last week in March
2 to call Jason about this comment?

3 A. I found out about two weeks after I came back.
4 And then that was the next time I was going to be
5 talking to Jason Hoback. I had been -- we had been
6 playing phone tags. He would call me, I would call him.
7 And then that just happened to be the date I was talking
8 to him.

9 Q. And if I recall about that conversation, there
10 were other topics you guys were discussing?

11 A. Yes.

12 Q. So when Mike came to you or you were at Mike's
13 cubicle, one or the other, that was a couple of weeks
14 after you returned from India?

15 A. Yes.

16 Q. Do you recall what date Mike Kedkad came to
17 you?

18 A. I don't recall that date exactly, no. I don't
19 recall that date.

20 Q. What was the next statement, if there was one,
21 that Joe Brown made to you about you concerning your
22 national origin or race that you found to be offensive?

23 A. Somewhere around the last week of March, I
24 recollect Joe Brown being in the office. And we were
25 talking of my account Infosys. And we start -- we

1 started discussing the economy and his question came up
2 as to what my thoughts on the war in Iraq were.

3 And my answer to him was that this is not a
4 time and place for us to discuss my idea or my views on
5 the war in Iraq.

6 And Joe Brown's comment was: Oh, well, I don't
7 care, I hate Muslims, I think all Muslims are terrorists
8 anyway.

9 Q. And are you Muslim?

10 A. I am not.

11 Q. What is your religion?

12 A. Sikh.

13 Q. But you found -- I'm sorry. My question was,
14 what was the next statement that Joe Brown made about
15 your race or national origin?

16 A. Even if I am not a Muslim, that is a very
17 offensive statement.

18 Q. So you found it offensive, but it wasn't about
19 your race or --

20 A. Maybe Joe Brown thinks I'm Muslim. I don't
21 know.

22 Q. You don't know whether he thinks that.

23 A. I don't know. Maybe he thinks that and that's
24 why he made that comment. I don't know. But you asked
25 me what was the next offensive comment. That was the

1 offensive comment, that even if I am not Muslim, I find
2 that very offensive.

3 Q. My question was, what was the next comment that
4 Joe Brown made about your race or your national origin
5 that you found offensive? And I think you just
6 identified the next statement that you found offensive
7 that came from Joe Brown.

8 Was there any other statement made by Joe Brown
9 about your race or your national origin that you found
10 offensive?

11 A. I know there was another occasion -- I don't
12 remember the exact date and timing of this -- Joe Brown
13 made a comment in which he said: Non-whites have a very
14 difficult time in sales and that they should just pack
15 up their bags and leave.

16 Q. And you're saying you don't recall when that
17 was?

18 A. I know that this was made in one of his visits
19 which was early on, I think, some time in the second
20 week of January when he was around.

21 Q. So non-whites have a difficult time in sales
22 and that they should just pack up and leave. This was
23 something -- was it a comment he made to you?

24 A. It was a comment that I think we were talking
25 of certain sales aspects of how Indians and what kind of

1 jobs Indians are doing here, and it was made in that
2 context.

3 Q. Okay. But it was a conversation between you
4 and Joe?

5 A. Yes.

6 Q. Was anyone else part of that conversation?

7 A. I don't think anybody else was part of that
8 conversation.

9 Q. So, actually, this newest comment was actually
10 preceding the all Muslims are terrorists comment?

11 A. Yes.

12 Q. And, actually, it sounds like it was about the
13 same time --

14 A. As --

15 Q. -- as the right way is the white man's way.

16 A. Yes.

17 Q. Was it the same conversation?

18 A. No. It was in a different conversation.

19 Q. Was it in a conversation that you guys were
20 having face to face?

21 A. Yes.

22 Q. Where were you?

23 A. I was in his office.

24 Q. Okay. And was it morning, afternoon?

25 A. I think this was in afternoon time because we

1 had a call that we had to make and we were not able to
2 get through to a client. And right after that, this was
3 the conversation.

4 Q. Did you report this comment to anyone?

5 A. I reported it to Jason Hoback.

6 Q. When did you report this one to Jason Hoback?

7 A. Right when I reported the first one.

8 Q. Okay. So that would have been about
9 January 30th or 31st?

10 A. Correct.

11 Q. Did you report anything else to Jason Hoback on
12 the 31st? This is another one, the non-whites have a
13 difficult time in sales and they should pack up and
14 leave?

15 A. Right.

16 Q. And then you had the right way is the white
17 man's way. Any other comments you reported to Jason
18 Hoback on the 31st?

19 A. No. Those were the two.

20 Q. And then we have a report that you made to
21 Jason Hoback the last week in March about the comment
22 that Joe Brown made to Mike Kedkad about Indians. And
23 you reported that to Jason the last week of March.

24 Did you report anything else to Jason the last
25 week of March?

1 A. No, that was the only comment that I made to
2 Jason Hoback.

3 Q. When Mike made -- excuse me. When Joe Brown
4 made the comment, non-whites have a difficult time in
5 sales and they should just pack up and leave, did you
6 say anything in response?

7 A. No.

8 Q. Did you tell anyone else at that time about
9 that comment?

10 A. I don't think I mentioned that to anybody.

11 Q. To anybody?

12 A. To anybody. I don't think I even made that
13 mention to Mike Kedkad other than Jason Hoback. I did
14 report it to Jason Hoback.

15 Q. And going forward to the all Muslims are
16 terrorists comment that you attribute to Joe Brown --
17 I'm sorry.

18 Approximately, when did that occur?

19 A. I think the last week of March. That's when
20 Joe was in the office.

21 Q. Was that before or after you reported it to
22 Jason Hoback in the last week of March?

23 A. This was after.

24 Q. Okay. And any other comments that Joe Brown
25 made to you concerning your race or national origin?

1 A. I think around about the same week that he made
2 the comment that all Muslims are terrorists, one of his
3 comment was that most Indians here are here to do menial
4 jobs, we don't let them take any of the high paying
5 leveled jobs.

6 Q. I'm sorry. Around the same time the Muslims
7 are terrorists comment?

8 A. Yes. I think a day before or -- I think maybe
9 a day before. He was here for two or three days. And
10 one of the days, he said -- he made a comment about
11 Indians doing all menial jobs, and we don't -- Americans
12 don't let them take any of the high-paying jobs.

13 And I think I commented back to him, I said: I
14 don't know which world you are living in. Lots of
15 Indians here are VPs and CEOs.

16 Q. I'm sorry. What was the context of that
17 comment?

18 A. I think the -- if I fairly recollect, the
19 content of that conversation, we were talking about
20 Google as to how many -- if you go to the Google campus,
21 all you see is lots and lots of Indians. And I think
22 that's where his comment came, that, oh, they're all
23 just developers sitting there doing menial jobs and
24 developing codes.

25 Q. Did you report this comment to Jason Hoback?

1 A. Yes.

2 Q. What did he say when you reported -- I'm sorry.
3 Did you report it around the last week of
4 March?

5 A. No. These two, the all Muslims are terrorists
6 and that comment was reported on April 3rd when Mike and
7 I had a joint call with Jason Hoback.

8 Q. And at least one other purpose of that joint
9 call was some further assurances about keeping you guys
10 on board during any acquisition; is that correct?

11 A. Correct.

12 Q. And so you made a comment to Jason Hoback about
13 the all Muslims are terrorists, that most Indians take
14 menial jobs comment on the April 3rd telephone
15 conversation?

16 A. Correct.

17 Q. And Mike Kedkad was a part of that
18 conversation?

19 A. Yes.

20 Q. And what do you recall, if anything, Jason
21 Hoback saying in response to those two statements?

22 A. He did not say much. His comment back -- he
23 tried to ignore that I was telling him this. He tried
24 to stay on the issue of the contracts. And so he did
*25 not -- he didn't want to comment much on what comments I

1 had made. He skirted the issue.

2 Q. In other words, he didn't make any comments
3 that you can recall?

4 A. No, he did not.

5 Q. Going back to the report that you said you made
6 to Jason Hoback -- well, let me see. We talked about a
7 time on or about January 31st that you made a report to
8 Jason?

9 A. Yes.

10 Q. We talked about a time on or about -- I don't
11 want to -- in the last week of March?

12 A. Correct.

13 Q. And in the last week of March, what do you
14 report to him?

15 A. The last week of March, I reported to him that
16 he had said that he hated all Indians.

17 Q. Right. And that was the comment that Mike --

18 A. That Mike had told me.

19 Q. And on April 3rd, you report two new comments
20 to him, the all Muslims are terrorists comment and then
21 the most Indians take the menial jobs comment?

22 A. Correct.

23 Q. Any other statements made by Joe Brown
24 concerning your race or national origin that you're
25 aware of?

1 it later on so that we can look good in front of our
2 potential buyers.

3 Q. Okay. So were there two separate emails --

4 A. Yes, these were two separate emails.

5 Q. -- that you believe you received?

6 A. Yes.

7 Q. And did you have any response to those emails?

8 A. I don't recollect responding to any of those
9 emails.

10 Q. So Joe Brown and KnowledgeStorm wouldn't have
11 known one way or the other whether you would have
12 accommodated those emails; is that correct?

13 A. No, they would know that I would or would not.
14 Because if I did not pull in the contract date for
15 Infosys, then I'm sure they're aware of the fact that I
16 have not accommodated that email.

17 And for the other one, if I am putting in
18 proposals -- and I was putting in a few proposals at
19 that time -- and I am not adding advertising into that,
20 then I think they're aware of the fact that I am not
21 accommodating that email.

22 Q. And you didn't add advertising to your
23 proposals?

24 A. No, I did not.

25 Q. And you didn't, with respect to Infosys, reach

1 out to Infosys to ask them to have a start date that was
2 earlier than April?

3 A. No, I did not.

4 Q. Do you know whether any of the other sales
5 executives received these emails?

6 A. I think -- I know that others did, because a
7 lot of people were copied on those emails. People who
8 had just sold in the last week of March did get that
9 email.

10 Q. Do you know whether any of those sales
11 executives accommodated the request of KnowledgeStorm in
12 those regards?

13 A. I am not privy to that knowledge.

14 (Defendants' Exhibit 17, three-page email,
15 marked for identification.)

16 BY MR. MOKOTOFF: (Q) If you can take a look
17 at this, Jasbir. Have you ever seen this document
18 before?

19 A. Yes, I have.

20 Q. How did you come about to see this?

21 A. Because there was another one that came in, in
22 which I was included.

23 Q. So you're saying there was another email where
24 you were on the "to" line?

25 A. Yes.

1 certain day when they're really not starting on the
2 certain date?

3 That's the problem I have with it. Why should
4 I ask my clients to sign a document saying that I'm
5 starting on April 1st when they're -- and I'm just
6 making up that date. I'm not going by these dates. I'm
7 just saying -- sign a document saying you're starting
8 April 1st when you're really not starting until
9 April 15? So even if you're not short changing the
10 client, why should the client sign that?

11 Q. And you're saying you never did go to your
12 clients to ask them to do this?

13 A. No, I did not.

14 Q. And you believe that you were terminated
15 because you didn't?

16 A. I think I was terminated because I brought the
17 racial comments. I think I was terminated because --
18 also because I did not want to participate in this. But
19 maybe that played a smaller part. The major part was I
20 was racially targeted.

21 Q. And let's see. And inflating proposals. I
22 think you had mentioned there was an email related or
23 discussed marketing advertising to potential customers;
24 is that correct?

25 A. Correct.

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1 Q. Okay. Explain to me what you understood

2 KnowledgeStorm to be doing inappropriately.

3 A. I think when you are fully aware that your
4 client is not going to be buying advertising, and you're
5 putting in a line item of advertising and showing
6 \$10,000, I feel that, in my personal belief, that's
7 inflating a proposal; because, though, you know a
8 hundred percent that the client is not going to be
9 buying advertising, why should I put a line item of
10 advertising when I know they're not going to be buying
11 advertising?

12 So the email specifically said we should put
13 that in there because then we'll look good in terms of
14 how many proposals -- the value of the proposals that
15 we're generating in front of our prospect buyers.

16 Q. And do you believe that that was a reason why
17 you were terminated? Because you didn't provide this
18 item offer to your client prospects?

19 A. I think I'm going to repeat myself. I think I
20 was terminated because I was racially targeted. I was
21 terminated because I brought the racial comments up
22 front. And I think these two items maybe played a
23 little part in it, I think, because I was noncooperating
24 in doing these things, but I think the major part of it
25 was my race.

1 MR. MOKOTOFF: Back on the record after a short
2 break.

3 BY MR. MOKOTOFF: (Q) Let me ask you some
4 brief questions about your trip to India. You've
5 already identified it's your recollection that it
6 occurred from February 9th through approximately March
7 5th; is that correct?

8 A. Correct.

9 Q. And was that a trip to see your mother?

10 A. Primarily.

11 Q. And did you or do you know what
12 KnowledgeStorm's vacation policy was at that time for
13 someone with your tenure at the company?

14 A. I don't recollect.

15 Q. Do you recall how many weeks of vacation you
16 were to have received?

17 A. I think it was about two weeks.

18 Q. And this trip would have been more than two
19 weeks?

20 A. This trip was three weeks. But you have to
21 remember, one week was going and seeing clients. I met
22 with three different clients. That included traveling
23 to see those clients. And those clients, the meetings
24 were three different days. So I actually traveled
25 almost from L.A. to New York, all the way there. It was

1 that much distance that I traveled.

2 Q. Within India?

3 A. Within India, yes. So one week of that was
4 work time.

5 Q. And in order to go on that trip, did you have
6 to get the approval of Joe Brown?

7 A. Yes.

8 Q. And Joe Brown allowed you to go?

9 A. Yes, because I was also going to be seeing
10 clients.

11 Q. So he was supportive of your trip?

12 A. Because the way I presented it. Because I had
13 these client meetings that were coming up, I asked him
14 if I could take two more weeks and maybe use my vacation
15 time to go see my mother and meet with these clients as
16 well.

17 Q. Paragraph 27 of the Complaint states that:
18 "Plaintiffs were not given accounts to work on,
19 even though everyone else was and it had been
20 promised to them during their interview."

21 My questions are, obviously, going to relate to
22 what you know about what you were promised and what you
23 weren't given. And I think you and I have talked about
24 and exhausted the inbound leads, if I am saying that
25 correctly?

REPORTER'S CERTIFICATE

I, ANNA ALLEN, CSR 9954, Certified Shorthand
Reporter, certify;

That the foregoing proceedings were taken before me
at the time and place therein set forth, at which time
the witness was put under oath by me;


That the testimony of the witness, the questions
propounded, and all objections and statements made at
the time of the examination were recorded
stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct transcript
of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney of the parties, nor financially
interested in the action.

I declare under penalty of perjury under the laws
of California that the foregoing is true and correct.

Dated this 22 day of January, 2008.


Anna Allen, CSR No. 9954

KEDKAD DEPOSITION

**CERTIFIED
COPY**

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

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4

5 JASBIR GILL, MAHMOUD KEDKAD,)
6 Plaintiffs,)
7 vs.) No. C 07-04112 PVT
8 KNOWLEDGESTORM, INC., a)
9 Corporation, DOES 1 through 50,)
10 Defendants.)

11

12

13

14 DEPOSITION OF MAHMOUD KEDKAD

15

16

17 DATE: Tuesday, January 15, 2008

18

19 TIME: 10:15 a.m.

20

21 LOCATION: Bell & Myers
22 2055 Junction Avenue, Suite 200
23 San Jose, CA 95131

24

25 REPORTED BY: Anna S. Allen
Certified Shorthand Reporter
License Number 9954

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M E R R I L L L E G A L S O L U T I O N S

1

A P P E A R A N C E S

2

3

4 For the Plaintiffs:

5 LAMBERTO & KREGER

By: BRIAN S. KREGER, ESQ.

6 160 W. Santa Clara Street, #1050

San Jose, CA 95113

7 408-999-0300

8

9

10

11 For the Defendants:

12 FORD & HARRISON

By: JEFF D. MOKOTOFF, ESQ.

13 1275 Peachtree Street, N.E., Suite 600

Atlanta, Georgia, 30309

14 404-888-3800

15

16

17

18 Also Present:

19 CHRIS GLEASON, Corporate Representative for
KnowledgeStorm

20

21

22

23

24

25

1 EXHIBITS

2

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9 5	"Something fun for dinner"	80
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1 San Jose, California January 15, 2008

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3 MAHMOUD KEDKAD

4 having been first duly sworn,
5 was examined and testified as follows:

6 EXAMINATION

7 BY MR. MOKOTOFF:

8 Q. Mr. Kedkad, good morning.

9 A. Good morning.

10 Q. This will be your deposition taken pursuant to
11 notice by agreement for the purposes of discovery,
12 cross-examination and all other purposes allowed and
13 consistent with the Federal Rules of Civil Procedure.

14 Could you state your full name for the record,
15 please.

16 A. Mahmoud Kedkad.

17 Q. Do you also go by Mike?

18 A. Yes.

19 Q. For the record, my name is Jeff Mokotoff. I
20 know you sat in on Ms. Gill's deposition yesterday, so
21 you had a little bit of a sense of how a deposition
22 goes. As you know, I represent the defendant,
23 KnowledgeStorm, in this lawsuit that you and Ms. Gill
24 have brought against it.

25 Mr. Kedkad, have you ever had your deposition

1 you commence any training with KnowledgeStorm?

2 A. Yes.

3 Q. Okay. When did you have any training with
4 KnowledgeStorm?

5 A. To the best of my knowledge, it was
6 December 4th through the 8th, maybe the 9th.

7 Q. Where was the training?

8 A. Atlanta, Georgia.

9 Q. When you had attended the training at Atlanta,
10 Georgia, you had already started working out of the
11 South San Francisco office?

12 A. Could you repeat the question?

13 Q. Sure. At the time that you attended training
14 in Atlanta, Georgia, had you previously already started
15 working out of the South San Francisco office?

16 A. That's correct.

17 Q. And the position that you accepted was as a
18 sales executive; is that correct?

19 A. That's correct.

20 Q. Do you recall the other sales executives that
21 were working out of the South San Francisco office at
22 the time that you began working for KnowledgeStorm?

23 A. Could you repeat the question?

24 Q. Sure. Do you recall the other sales executives
25 that were working out of the South San Francisco office

1 at the time you began working for KnowledgeStorm?

2 A. Yes.

3 Q. Can you give me their names.

4 A. Jasbir Gill, Lisa McGuire, Kevin Cummings,
5 although he was not physically there at that time.

6 Q. Do you know where he was at that time?

7 A. I heard he was working out of Boston.

8 Q. Okay.

9 A. Katie Kimball, Rachael Gordon. That's when I
10 started.

11 Q. Okay. So you and approximately five other
12 employees?

13 A. That's correct.

14 Q. I'm going to hand you what was marked as
15 Exhibit 4 to Ms. Gill's deposition yesterday. And my
16 question relates to your training that we were just
17 previously discussing.

18 The training that took place from approximately
19 December 4 through December 9th in Atlanta, Georgia, do
20 you recall during that training receiving a copy of the
21 handbook that has been identified as Exhibit 4 of Jasbir
22 Gill's deposition?

23 A. I received a copy. I'm not sure if it's during
24 the training.

25 Q. Do you recall when you would have received a

1 having ever received a copy of the handbook?

2 A. I do not.

3 Q. Do you recall ever receiving a copy of the
4 company's no-harassment policy?

5 A. At some point in time, yes.

6 Q. While you were employed at KnowledgeStorm?

7 A. Correct.

8 Q. Okay. Do you recall when you would have
9 received a copy of the company's no-harassment policy?

10 A. After some accusations to me in some meetings,
11 probably May --

12 Q. Okay.

13 A. -- of 2006.

14 Q. Of 2007?

15 A. 2007.

16 Q. Do you recall reading that no-harassment policy
17 when you would have received it in or about May of 2007?

18 A. Yes, I looked it over.

19 Q. Okay. When you started working for
20 KnowledgeStorm in 2006, did you understand the reporting
21 structure at KnowledgeStorm in terms of who you would be
22 reporting to?

23 A. I have already answered that.

24 Q. Did you understand -- so let me clarify that.
25 Did you understand that you'd be reporting to Joe Brown?

1 A. Yes.

2 Q. Okay. And did you understand who Joe Brown's
3 boss was?

4 A. Yes.

5 Q. And who was that?

6 A. Jason Hoback.

7 Q. And did you understand who Jason Hoback's boss
8 was?

9 A. Yes.

10 Q. And who was that?

11 A. Jim Canfield.

12 Q. Were any of those three gentlemen physically
13 located out of the South San Francisco office?

14 A. Could you rephrase it?

15 Q. Sure. Was either Joe Brown, Jason Hoback or
16 Jim Canfield physically located out of the South San
17 Francisco office?

18 A. All three of them are.

19 Q. They were physically located out of the South
20 San Francisco office?

21 MR. KREGER: Do you mean to ask it that way?

22 MR. MOKOTOFF: I will try to rephrase that.

23 MR. KREGER: "Out of" sounds like not in San
24 Francisco.

25 MR. MOKOTOFF: Thank you for that

1 A. Nothing social, other than very seldom
2 occasional lunches.

3 Q. How often do you recall Joe Brown being in the
4 South San Francisco office?

5 A. Every two to three weeks.

6 Q. And how about Jason Hoback?

7 A. Three to four weeks.

8 Q. How about Jim Canfield?

9 A. Few times I'd see him very -- maybe two times I
10 ever seen him.

11 Q. In the South San Francisco office?

12 A. Yes.

13 Q. As a sales executive, did you have the need to
14 communicate with Joe Brown on a daily basis?

15 A. There is a need, yes.

16 Q. Did you have the need to communicate with Joe
17 Brown on a daily basis?

18 A. Yes.

19 Q. How would you communicate with Joe Brown? In
20 other words, via e-mail, telephone, face to face?

21 A. Phone, face to face or e-mail.

22 Q. All three of those?

23 A. All three of those.

24 Q. Would there be one method that you'd use more
25 than others?

REPORTER'S CERTIFICATE

I, ANNA ALLEN, CSR 9954, Certified Shorthand Reporter, certify;


That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

That the testimony of the witness, the questions propounded, and all objections and statements made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct transcript of my shorthand notes so taken.

I further certify that I am not a relative or employee of any attorney of the parties, nor financially interested in the action.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.



Anna Allen, CSR No. 9954